

## REMARKS

As a result of the forgoing amendment, the drawings, specification and claims have been modified in a manner which overcomes the various objections raised by the examiner. In particular, the specification and the drawings have been modified so that the numbers in the specification correspond to numbers in the drawings and vice-versa. It is thus believed that the objections to the drawings as well as to the specification as set forth in paragraphs 2-5 of the office action have been obviated and withdrawn. Copy of corrected drawings with the corrections indicated in red are forwarded herewith.

The claims have been amended to change the word "football" to soccer.

The claims have also been modified to obviate the claim objections referred to in paragraph 7. The phrase incorporating the objected to word "ankle" has been deleted in claim 1. Similarly, the objected to expression incorporating the word "player" has been deleted from the claim. This clearly obviates the rejections under 35 USC 112, second paragraph.

Reconsideration and withdrawal of the rejection of the claims as being anticipated by the Thompson '221 patent are requested. The Thompson patent is directed to a boot tree as depicted in Fig. 1. While the outline of a boot is depicted, the boot does not constitute part of the invention. Clearly, the boot tree of Thompson does not constitute that reproduces the shape and the size of a human foot fairly faithfully up to the top of the foot as required by claim 1. At best, a toe portion referred to as the toe structure 12 is shown. The remainder of the foot is certainly not present in this reference and there is no suggestion that there is any attempt in the reference to provide a body that reproduces the shape and size of a human foot faithfully up to the top of the foot. The examiner's characterization of the reference in this respect is inaccurate. At best, the reference only shows a toe portion.

While the examiner has asserted that no weight is given to the statements of intended use in the preamble, clearly one cannot consider the apparatus in a vacuum. It is a device to enable people in wheelchairs to play soccer. There is simply no way in which the device shown in Thompson can be used for such purpose. It does not reproduce the structure of the human foot for allowing this to be accomplished and accordingly, the rejection on this reference must fail.

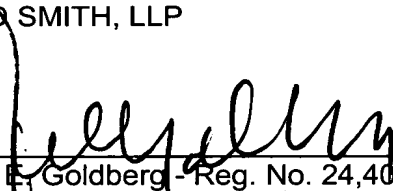
Turning to the rejection of claims 4-6 as being rejected under 35 USC 103, over the Thompson '221 patent, in view of Cumbie '813, it is clear that Cumbie adds nothing to Thompson to make it more relevant to the invention as claimed. Cumbie is cited as showing an accessory holder and mount for wheelchairs. However, it contains no information which suggests that the device of Thompson '221 would be of any value for a person in a wheelchair with respect to playing soccer and certainly doesn't suggest modification of the Thompson disclosure to provide a structure which fairly resembles that of a human foot up to the top of the foot. This rejection also fails and should be withdrawn.

In view of the foregoing, this application is in condition for allowance and prompt notice to that effect is earnestly solicited.

Respectfully submitted,

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